

## Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 PM-07 AID-20 CIAE-00 INR-10 NSAE-00

RSC-01 DRC-01 /054 W

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R 170509Z DEC 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9831

INFO RQ

KJCS/SEC DEF WASHDC

CSAF

CINCPAC

CINCPACREPPHIL

CINCPACAF

CG 13TH AF

13TH AF (DE)

C O N F I D E N T I A L MANILA 13988

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: CONSTRUCTION OF CAPAS-BOTOLAN ROAD: GOP REQUEST FOR  
BASELANDS RELINQUISHMENT

REF:8

(A) MANILA 4791 (DTG 260931Z APR 73)

(B) STATE 93271 (DTG 161636Z MAY 73)

1. IN REF A EMBASSY REQTRTD ON GOP REQUEST FOR REVERSION  
OF LAND BY GOP AT CLARK AND TRANSMITTED TEXT OF PROPOSED  
IPOTE IN WHICH GOP ATTENTION WAS CALLED TO SAFETY FACTORS  
THAT WOULD BE INVOLVED IN CONSTRUCTION PROPOSED ROAD.  
DEPT CONCURRED EMBASSY NOTE IN REF B.

2. SUBSEQUENTLY, METES AND BOUNDS COMMITTEE OF USWHRP MUTUAL  
DEFENSE BOARD TOOK UP SAFETY FACTORS IN SEVERAL MEETINGS AND  
COMMITTEE DECIDED ON NOV 2, 1973 IT HAD NO OBJECTIONS TO  
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CONSTRUCTION OF PROPOSED ROAD, ALTHOUGH PHILIPPINE AIR FORCE

WILL SUPERVISE CONSTRUCTION TO ENSURE ADEQUATE SAFETY ROAD SIGNS WOULD BE PUT UP. THEREAFTER, EMBASSY RECEIVED DFA NOTE NO. 73-3507 DATED DEC 5, WHICH REFERRED TO METES AND BOUNDS COMMITTEE DECISION AND REITERATED GOP REQUEST FOR BASELANDS RELINQUISHMENT FOR RAOD AS FOLLOWS: "ACCORDINGLY, THE DEPARTMENT REQUESTS THE RETURN OF BASELANDS TO BE TRAVERSED BY ROAD, INCLUDING AREA TO THE NORTH THEREOF, AS SHOWN IN THE MAP SENT TO THE EMBASSY WITH THE DEPARTMENT

NOTE NO. 73-510 DATED 20 FEBRUARY 1973."

3. EMBASSY BELIEVES THAT PROJECT SHOULD GO FORWARD AND 13TH AIR FORCE AGREES. HOWEVER, THERE NO APPARENT NEED TO RELINQUISH BASELANDS FOR RIGHT-OF-WAY; MOREOVER, WE DO NOT WISH TO GIVE UP AREA TO NORTH OF PROPOSED ROAD SINCE IT IS PART OF CROW VALLEY BOMBING AND GUNNERY RANGSTS SAFETY ZONE. EMBASE PROPOSES TO RECOMMEND TO GOP INSTEAD THAT USG GRANT AN EASEMENT FOR CONSTRUCTION ROAD THEREBY PERMITTING INTEGRITY OF SAFETY ZONE TO PRESERVED. FURTHER, EMBASSY PROPOSES ONCE TECHNICAL DESCRIPTION OF RIGHT-OF-WAY ESTABLISHED, THAT TWO GOVERNMENTS EXCHANGE NOTES TO RECORD EASEMENT.

4. TEXT EMBASSY PROPOSED NOTE FOLLOWS: 17953:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN AFFAIRS AND HAS THE HONOR TO REFER TO THE DEPARTMENT'S NOTE NO. 73-3507 DATED DECEMBER 5, 1973 CONCERNING PLANS OF THE GOVERNMENT OF THE PHILIPPINES TO CONSTRUCT THE PROPOSED CAPAS-BOTOLAN ROAD WHICH WILL TRAVERSE THE NORTHERN PART OF CLARK AIR BASE IN THE CROW VALLEY BOMBING AND GUNNERY RANGE AREA.

IN ITS NOTE THE DEPARTMENT ADVERTED TO THE FAVORABLE CONSIDERATION GIVEN THIS PROJECT FROM THE SAFETY VIEWPOINT BY THE METES AND BOUNDS COMMITTEE OF THE US-RP MUTUAL DEFENSE BOARD ON NOVEMBER 2, 1973. THE EMBASSY WELCOMES THE COMMITTEE'S DECISION ON THIS IMPORTANT QUESTION.

TO FACILITATE AGREEMENT ON THE BUILDING OF THE ROAD, THE EMBASSY BELIEVES IT WOULD BE USEFUL IF THE DEPARTMENT WOULD CONFIRM THAT THE RIGHT OF WAY OF THE PROPOSED ROAD IS THE SAME AS THAT OF THE 30-METER RIGHT OF WAY INDICATED IN THE 1957 CAPAS-BOTOLAN ROAD SURVEY MADE BY THE BUREAU  
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OF PUBLIC HIGHWAYS AMZ PRESUMABLY DELINEATED GRAPHICALLY IN THE FEBRUARY, 1973 FEASIBILITY STUDY OF THE CAPAS-BOTOLAN PROJECT OF THE DEPARTMENT OF PUBLIC WORKYUZ TRANSPORTATION AND COMMUNICATIONS.

IN THIS CONNECTION, THE EMBASSY HAS THE HONOR TO REFER TO THE SURVEY WHICH ESTABLISHED THE BOUNDARIES OF THE SAFETY ZONE  
FOR THE CROW VALLEY BOMBING AND GUNNERY RANGE,

WHICH WAS MADE IN CONFORMITY WITH RECOMMENDATIONS BY AD HOC COMMITTEE NO. 10 OF THE MUTUAL DEFENSE BOARD. THIS SURVEY WAS APPROVED BY THE BUREAU OF LANDS OF THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES ON JANUARY 28, 1969. AS THE PROPOSED ROAD WOULD TRAVERSE THIS SAFETY ZONE, THE 13TH AIR FORCE HAS PLOTTED THE ROAD'S COURSE ON THE ATTACHED MAP OF THE ZONE.

AS THE DEPARTMENT IS AWARE, THE CROW VALLEY BOMBING AND GUNNERY RANGE, INCLUDING ITS SAFETY ZONE, IS USED BY BOTH PHILIPPINE AIR FORCE AND UNITED STATES AIRCRAFT. INASMUCH AS THE MAINTENANCE OF THE INTEGRITY OF THE SAFETY ZONE WOULD SEEM TO BE IN THE INTERESTS OF BOTH GOVERNMENTS, THE EMBASSY PROPOSES THAT THE CONSTRUCTION OF THE ROAD BY ACCOMPLISHED BY THE GRANTING OF AN EASEMENT OF THE RIGHT OF WAY FOR THE PROPOSED ROAD BY THE UNITED STATES GOVERNMENT. THE GRANTING OF SUCH AN EASEMENT WOULD FOLLOW ESTABLISHMENT OF THE ROAD'S DEFINITIVE METES AND BOUNDS AND ITS PLAN AND PROFILE. IT IS THE EMBASSY'S UNDERSTANDING THAT EXISTING DATA CAN BE DDQWN UPON TO MAKE SUCH A DEFINITIVE DESCRIPTION OF THE ROAD AND THAT NO FURTHER FIELD WORK WOULD BE REQUIRED.

THE EMBASSY HAS THE HONOR TO PROPOSE THAT THE TWO GOVERNMENTS ENTER INTO AN EXCHANGE OF NOTES TO RECORD THE EASEMENT ONCE NECESSARY TECHNICAL DESCRIPTIONS OF THE PROPOSED ROAD ARE MADE. COMPLIMENTARY CLOSE. END QUOTE.

5. REQUEST COMMENTS/APPROVAL.

6. COPY OF GOP NOTE AND COPIES OF 13TH AIR FORCE MAP REFERRED TO IN PROPOSED EMBASSY'S NOTE POUCHED TO EA/PHL.  
SULLIVAN

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## Message Attributes

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